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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,853	06/20/2003	Thomas Lich	10191/3107	8481
26646 7590 03/02/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER BEAULIEU, YONEL	
			ART UNIT	PAPER NUMBER
			3661	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/02/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/600,853	Applicant(s) LICH ET AL.	
	Examiner Yonel Beaulieu	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Interview Summary

A telephonic interview took place on 1/4/07 in this case. Following Office's policies and in an effort to advance prosecution of the file following the Board of Appeals and Interferences (the Board) Decision, the Examiner had extended a courtesy call to Mr. Deditch. During the call, it was suggested amending the rejected claims (as affirmed by the Board) by incorporating the subject matter of claims 5 and 17 (not sustained by the Board), respectively.

Mr. Deditch took the position that the proper course of action would be to send out an Office Action as he would time to consult with his client.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 8, 12, and 14 – 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Yokota et al. (US 6,463,372 B1).

Regarding claim 1, Yokota et al. teaches a system (fig. 1 at least) for triggering at least one restraining device (seatbelt or airbag) comprising at least one non-pedestrian-impact sensor (10) for transmitting a first signal; at least one pedestrian-impact sensor for transmitting a second signal (col. 10, lines 41 – 67 at least); a processor (11) for receiving the first and second signals and being adapted to trigger the at least one restraining device (col. 8, lines 40 – 47 at least), wherein the at least one non-pedestrian-impact sensor includes an acceleration sensor (col. 11, lines 25 – 40 at least).

Regarding claims 2 – 4, 6 -10, 12, and 14 – 16, 18, and 19, Yokota further teaches determination of crash severity (see figs. 4. 10a – 10c at least), one passenger weight sensor (81), one or peripheral side-impact/non-pedestrian sensor (fig. 3; col. 10, lines 63 at least), a deformation sensor (col. 11, lines 25 – 41 at least), an optical or an ultrasound or a radar sensor (col. 7, lines 42 – 50 at least), the restraining device including at least one of an airbag and belt-tightener (note items 40 and 60 in fig. 2 at least), the restraining device being triggered in a gradual manner (see figs. 5a – 5c and 8a at least).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3661

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota ('372), as applied to claim 1, and further in view of Mattes et al. (US 6,487,482 B1).

As discussed above, Yokota teaches all of the limitations except for making the acceleration sensor a switch. However, Mattes teaches, in the same field of endeavor of triggering restraining devices, an acceleration sensor being a switch (col. 1, lines 24 – 37 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Yokota's teaching by making the acceleration sensor a switch as evidenced by Mattes in order to guard against restraining devices false deployment; thus, enhancing safety.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota as applied to claim 1 (directly or indirectly).

Yokota teaches all of the limitations of claim 13 except for situating the impact sensor in a trim molding of the vehicle.

However, situating the impact sensor in a trim molding of the vehicle is an arrangement that would have been obvious to one of ordinary skill in the art at the time

Art Unit: 3661

of the invention because the skilled artisan would have recognized the arrangement does not solve any stated problem in the art of deploying restraining devices.

Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota ('372 B1).

Yokota does not explicitly situate the impact sensor in a rear or in a front of the vehicle. However, it would have been obvious to one of ordinary skill in the art at the time of the invention that the sensor could have been situated anywhere that a crash might occur in order to enhance safety.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on Mon., Wed. & Thur. between 0900 and 1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Vincent Beaulieu
Primary Examiner
Art Unit 3661